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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Stacia L. Johns Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-100 Bar # 292446	Case Number(s): 17-O-00142-CV, 17-O- 02738-CV	For Court use only <div style="text-align: center;"> FILED <i>P.S.</i> JUL 19 2018 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
In Pro Per Respondent David Arredondo 3232 Tyler Ave El Monte, CA 91731 Bar # 68635	Submitted to: Settlement Judge		
In the Matter of: DAVID ARREDONDO Bar # 68635 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 25, 1976**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **14** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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Actual Suspension

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **State Bar Court case no. 05-O-02600. See page 10 and Exhibit 1, 26 pages.**
- (b) ☒ Date prior discipline effective **December 6, 2007**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 4-100(A) (Commingling)**
- (d) ☒ Degree of prior discipline **One-year suspension, stayed; two-year probation with conditions.**
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

- (8) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. See page 10.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 10.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation: see page 11.

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **one year**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty (60) days**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID ARREDONDO

CASE NUMBERS: 17-O-00142-CV, 17-O-02738-CV

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 17-O-00142-CV (Complainant: Joseph Ruiz)

FACTS:

1. Joseph Ruiz and Jose Elias were co-defendants convicted of first-degree murder and brandishing a weapon in connection with a gang-related drive-by shooting that occurred in 2007. After exhausting all state appeals, both Ruiz and Elias sought Habeas Corpus relief in the United States District Court for the Central District of California. The District Court docket noted that these two Habeas Corpus proceedings were related cases.
2. On or about February 28, 2013, respondent filed a Petition for Writ of Habeas Corpus on behalf of Jose Elias in *Jose David Elias v. Warden Connie Gipson*, case no. 2:13-cv-01464-DSF-JPR, in the United States District Court for the Central District of California ("Elias matter").
3. On February 25, 2014, the District Court denied the application for the Certificate of Appealability in the Elias matter, and dismissed Elias's Petition for Writ of Habeas Corpus.
4. On March 20, 2014, respondent filed a Notice of Appeal to the Ninth Circuit Court of Appeals on behalf of Elias. On October 27, 2014, the Ninth Circuit denied the application for the Certificate of Appealability.
5. On or about October 26, 2012, Joseph Ruiz ("Ruiz") filed a Petition for Writ of Habeas Corpus *pro se* in *Joseph Raymond Ruiz v. Warden Barnes*, case no. 2:12-cv-09207-DSF-JPR, in the United States District Court for the Central District of California ("Ruiz matter").
6. On August 18, 2013, attorney Thomas Stanley substituted in as counsel on the Ruiz matter.
7. On May 19, 2014, the District Court denied the application for the Certificate of Appealability in the Ruiz matter, and dismissed Ruiz's Petition for Writ of Habeas Corpus.
8. On June 17, 2014, respondent filed a Notice of Appeal to the Ninth Circuit Court of Appeals on behalf of Ruiz.
9. At the time respondent filed the Notice of Appeal on behalf of Ruiz, Elias's Notice of Appeal to the Ninth Circuit was pending, and respondent was still counsel of record for Elias.

10. Respondent failed to procure a written waiver from Ruiz or Elias regarding the potential conflict of interest presented by simultaneously representing two co-defendants in connection with their respective Petitions for Writ of Habeas Corpus.

11. On December 15, 2014, the Ninth Circuit granted Ruiz's application for the Certificate of Appealability, limiting the issues on appeal to: 1) whether the trial court violated Ruiz's right to due process by admitting evidence regarding a handgun found outside the residence of Ruiz's girlfriend, and 2) whether trial counsel was ineffective for failing to request a limiting instruction under CALCRIM No 375.

12. Respondent's opening brief in the Ruiz matter was due on or about March 22, 2015. On March 22, 2015, respondent filed a request to extend the deadline to file the opening brief to April 22, 2015. In an order filed March 23, 2015, the request was granted, and respondent was ordered to file the opening brief by April 22, 2015.

13. On April 22, 2015, respondent filed a late motion, requesting for a second time that the court extend the deadline to file the opening brief, to May 22, 2015. In an order filed April 22, 2015, the court granted the motion, and respondent was ordered to file the opening brief by May 22, 2015.

14. On May 22, 2015, respondent filed another late motion, requesting for a third time that the court extend the deadline to file the opening brief, to June 19, 2015. In an order filed May 28, 2015, the court granted the motion, and respondent was ordered to file the opening brief by June 19, 2015.

15. On June 18, 2015 respondent filed another late motion, requesting for a fourth time that the court extend the deadline to file the opening brief, to July 20, 2015. In an order filed June 25, 2015, the court granted the motion, and respondent was ordered to file the opening brief by July 20, 2015.

16. On July 20, 2015, respondent filed another late motion, requesting for a fifth time that the court extend the deadline to file the opening brief, to August 25, 2015. In an order filed July 20, 2015, the court granted the motion, and respondent was ordered to file the opening brief by August 25, 2015. In that order, the court noted, "Any further request for an extension of time to file the opening brief is disfavored."

17. On or about July 25, 2015, respondent sent Ruiz a letter with a substitution of attorney form enclosed. The letter stated, in pertinent part, "Enclosed please find a Substitution of Attorney request that substitutes you into the case as your own attorney. This will allow you to proceed with your appeal with you acting as your own attorney, or once substituted into the case will allow you to seek a court appointed attorney." The letter stated that respondent did not believe Ruiz had a meritorious argument on appeal. The letter further stated, "You might find or think of meritorious arguments that have escaped us. If so, substitute into the case, *pro se*, and give it your best shot." Ruiz did not sign and return the Substitution of Attorney form.

18. Thereafter, respondent failed to file an opening brief.

19. On November 23, 2015, the court dismissed Ruiz's appeal due to respondent's failure to file an opening brief. At that time, respondent was counsel of record for Ruiz.

20. Respondent did not inform Ruiz that his appeal was dismissed for want of prosecution.

21. On or about March 6, 2016, Ruiz sent a letter to the court regarding the case status. Ruiz's letter stated, "I'm currently incarcerated in a California State Prison. I have a lawyer by the name of Thomas Stanley #Cal Bar – 45990. I would like to receive a docket sheet, since I haven't heard from him. My case #CV11-9207-DSF (JPR).--Thank you for your time and assistance."

22. On or about August 6, 2016, Ruiz sent a second letter to the court stating he had been unable to reach his attorney, Thomas Stanley. Ruiz requested the assistance of the Clerk to obtain a docket sheet and stated, "I wish to proceed in and [sic] further litigating this case."

23. On August 15, 2016, the Clerk of Court for the United States Court of Appeals for the Ninth Circuit wrote a letter to Ruiz. The letter stated, "I am writing to inform you that on November 23, 2015, the Clerk dismissed your appeal for want of prosecution because [respondent] failed to file the opening brief. No new attorney has entered appearance on your behalf." The letter further instructed Ruiz to file a motion for reinstatement expressing his intent to represent himself, accompanied by the opening brief.

24. On September 9, 2016, Ruiz filed a motion *pro se* for reinstatement of his appeal and motion for appointment of counsel.

25. On December 8, 2016, the Ninth Circuit Court of Appeals issued an order granting Ruiz's request to reinstate his appeal. In the order, the court further stated, "[Ruiz's] motion is construed in part as a request to have [Ruiz's] retained counsel, David Arredondo, withdrawn as retained counsel. So construed, the request is granted."

CONCLUSIONS OF LAW:

26. By failing to file the opening brief in Joseph Ruiz's habeas corpus proceeding in the Ninth Circuit Court of Appeal after five extensions from the court and causing the dismissal of Ruiz's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

27. By sending Ruiz a substitution of attorney form via mail and thereafter failing to take any action on the client's behalf, respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client and improperly withdrew from employment in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

28. By failing to procure the informed, written consent of Ruiz and Elias to the conflict presented by representing two co-defendants in connection with their respective Petitions for Writ of Habeas Corpus, respondent failed to inform the clients of the relevant circumstances and of the actual and reasonably foreseeable adverse consequences to the clients, in willful violation of the Rules of Professional Conduct, rule 3-310(C)(1).

29. By failing to inform his client, Joseph Ruiz, of the dismissal of Ruiz's appeal on November 23, 2015 due to respondent's failure to file an opening brief, respondent failed to keep respondent's client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services in willful violation of Business and Professions Code, section 6068(m).

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FACTS:

30. In April 2009, Edwin Polio ("Polio") was charged with one count of Penal Code section 487(D)(1) [Grand Theft - Automobile], a felony, and one count of Penal Code section 496d(a) [Receiving a Stolen Car], a felony. When Polio failed to appear for his arraignment on April 22, 2009, the court issued a bench warrant with a bail amount of \$90,000.

31. In or about September 2015, Polio hired respondent for legal services related to the above-referenced criminal matter and paid a fee of \$1,300.

32. When Polio hired new counsel in or about February 2017, respondent failed to provide Polio with an accounting.

CONCLUSIONS OF LAW:

33. By failing to provide his client Edwin Polio with an accounting regarding the \$1,300 in funds Polio paid for legal services following the termination of respondent's employment in or about February 2017, respondent failed to render an appropriate accounting to his client in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline in connection with State Bar case no. 05-O-02600. Effective December 6, 2007, respondent was suspended from the practice of law for one year, with execution of that period of suspension stayed, and placed on probation for two years. Respondent stipulated that he misused his client trust account and commingled personal funds by paying personal and business expenses from the account. He wrote 16 electronic checks for personal or business expenses against the client trust account over a six-month period. In mitigation, respondent had no prior record of discipline in more than 30 years of practice, and his misconduct did not result in any client harm.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent committed multiple acts of misconduct by failing to file an opening brief in the Ruiz matter after five extensions and improperly withdrawing from representation of Ruiz, resulting in the dismissal of Ruiz's appeal. Thereafter, respondent failed to inform Ruiz that his appeal had been dismissed for want of prosecution. Respondent also failed to procure potential conflict waivers from Ruiz and Elias, and failed provide an accounting to Polio. These multiple acts of wrongdoing constitute an aggravating circumstance under standard 1.5(b).

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)): Respondent's misconduct resulted in the dismissal of Ruiz's appeal. It was only after Ruiz wrote to the court directly, on two separate occasions, that he was informed of the dismissal due to respondent's failure to file an opening brief. Ruiz received notice of the dismissal from the court over a year after the dismissal occurred. Thereafter, he was forced to petition for reinstatement of his appeal and request court-appointed counsel. Accordingly, respondent's conduct caused harm to Ruiz and the administration of justice.

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MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing five acts of professional misconduct. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to respondent's misconduct is found in standard 2.7(c), which applies to respondent's violations of Business and Professions Code section 6068(m) and Rules of Professional Conduct, rules 3-110(A) and 3-700(A)(2). Standard 2.7(c) provides that suspension or reproof is the presumed sanction for performance, communication, or withdrawal violations, which are limited in scope or time. The degree of sanction depends on the extent of the misconduct and the degree of harm to the client.

In light of the foregoing, a one year stayed suspension, two years of probation with conditions, including a 60 day actual suspension, would best serve the goals of protection of the public, the courts, and the legal profession.

In the habeas corpus appeal, respondent's client's liberty was at stake, and his repeated delays in filing the opening brief delayed the proceeding. Moreover, as a result of his subsequent failure to file an opening brief, his client's appeal to be dismissed, causing significant harm to his client. Thus, the magnitude of respondent's misconduct is serious such that discipline on the high end of Standard 2.7(c) is appropriate.

In aggravation, respondent engaged in multiple acts of misconduct and has one prior record of discipline. Standard 1.8(a) states that when a respondent has a single prior record of discipline, the sanction for the current misconduct must be greater than the previously-imposed discipline. An exception may apply when the prior discipline is remote in time and the previous misconduct was not serious. Here, the prior discipline involved improper use of respondent's client trust account over a six-month period. The disciplinary order became effective on December 6, 2007. Therefore, the prior discipline was not remote in time. The previous discipline was one year of stayed suspension. Accordingly, the discipline imposed in this matter must involve a period of actual suspension.

This outcome is consistent with case law. In *In the Matter of Aulakh* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 690, the attorney failed to perform with competence by failing to file a proposed statement on appeal for a misdemeanor conviction, causing his client to be jailed. The attorney also improperly withdrew from employment when he decided he would no longer represent his client when his client was incarcerated. The client had to retain successor counsel to file a habeas corpus petition to be released. In addition, the attorney failed to provide an accounting and failed to return unearned fees. In aggravation, the attorney caused significant harm by abandoning his client in jail for 10 days without counsel. In mitigation, the attorney had 20 years of discipline-free practice. Accordingly, the Review Department affirmed the Hearing Department's disciplinary recommendation of three years' probation with conditions, including 45 days' actual suspension.

Like the attorney in *Aulakh*, respondent failed to perform with competence by failing to file an opening brief and later abandoning his client in the Ruiz habeas corpus proceeding, which caused the dismissal of Ruiz's appeal. As a result, Ruiz suffered significant harm and had to petition the court for reinstatement of his appeal. Also like the attorney in *Aulakh*, respondent failed to provide an accounting to his client in the Polio matter. Respondent committed additional misconduct by failing to inform Ruiz regarding the dismissal of his appeal and failing to procure proper waivers for the potential conflict between Ruiz and Elias. While the attorney in *Aulakh* was given mitigative credit for 20 years of discipline-free practice, respondent has a prior record of discipline from 2007 where he stipulated to a one-year period of stayed suspension. Therefore, it is appropriate to impose a level of discipline greater than that imposed in *Aulakh*.

Accordingly, a one year stayed suspension, two years of probation with conditions, including a 60 day actual suspension, would best serve the goals of protection of the public, the courts, and the legal profession.

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COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 7, 2018, the discipline costs in this matter are \$3,857. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: David Arredondo	Case number(s): 17-O-00142-CV, 17-O-02738-CV
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

6/12/18
Date


Respondent's Signature

David Arredondo
Print Name

6/18/2018
Date


Deputy Trial Counsel's Signature

Stacia L. Johns
Print Name

(Do not write above this line.)

In the Matter of: David Arredondo	Case Number(s): 17-O-00142-CV, 17-O-02738-CV
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

July 19, 2018
Date

Yvette D. Roland
YVETTE D. ROLAND
Judge of the State Bar Court

(State Bar Court Case No. 05-O-02600)

SUPREME COURT
FILED

S156033

NOV - 6 2007

IN THE SUPREME COURT OF CALIFORNIA

Frederick K. Ohlrich Clerk

DEPUTY

EN BANC

IN RE DAVID ARREDONDO ON DISCIPLINE

It is ordered that David Arredondo, State Bar No. 68635, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 3, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

GEORGE

Chief Justice

I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

16 day of November 2007

By

Deputy

ORIGINAL

(Do not write above this line.)

**State Bar Court of California
Hearing Department
Los Angeles**

Counsel For The State Bar Kevin B. Taylor, Esq. State Bar of California 1149 S. Hill Street Los Angeles, CA 90015-2299 Bar # 151715	Case Number (s) 05-O-02600-DFM	(for Court's use) FILED JUL -3 2007 <i>YHC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES PUBLIC MATTER
Counsel For Respondent Arthur L. Margolis, Esq. MARGOLIS & MARGOLIS, LLP 2000 Riverside Dr. Los Angeles, CA 90039 Bar # 57703	Submitted to: Assigned Judge	
In the Matter Of: David Arredondo Bar # 68635 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 25, 1976**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

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- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ costs added to membership fee for calendar year following effective date of discipline.
 - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - ☐ costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances are involved.**

Additional aggravating circumstances

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances are involved.**

Additional mitigating circumstances

See attachment.

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are

(Do not write above this line.)

directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (7) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☐ **Other Conditions:**

In the Matter of
David Arredondo
Bar No.: 68635

Case number(s):
05-O-02600-DFM

A Member of the State Bar

Financial Conditions

a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

- ☒ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID ARREDONDO, State Bar No. 68635

CASE NUMBER: 05-O-02600-DFM

FACTS AND CONCLUSIONS OF LAW

Respondent was admitted to the practice of law in the State of California on June 25, 1976.

From January 1, 2005 through July 1, 2005, Respondent maintained a client trust account at Wells Fargo Bank identified as checking account number 069-4034562 (hereinafter "client trust account").

From January 3, 2005 to June 28, 2005, Respondent issued 16 electronic checks from his client trust account to pay his personal and business expenses. One of the electronic checks was issued in the amount of \$2,312.49. The remaining electronic checks were issued for significantly smaller amounts, 10 of which were issued in an amount less than \$100.

Respondent has advised the State Bar that his law practice during the relevant period of time was predominately, almost exclusively, criminal defense work. Therefore, Respondent rarely held client funds in his client trust account, but rather used the account for managing his receipt of advanced attorney fees.

There is no evidence that any client funds were mishandled as a result of Respondent's improper use of his client trust account. Respondent's attorney fees were used to cover the subject electronic checks.

Respondent has now removed all attorney fees which he has earned from his client trust account.

Legal Conclusions

By issuing electronic checks from his client trust account to pay for personal and business expenses, Respondent misused his client trust account and commingled personal funds in the client trust account in wilful violation of rule 4-100(A) of the California Rules of Professional Conduct.

ADDITIONAL FACTS IN MITIGATION

Respondent has no record of prior discipline since being admitted to the State Bar of California and commencing his practice of law on July 25, 1976.

Respondent's misconduct did not result in any harm to any client.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges filed on March 13, 2007, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

DISMISSALS

The parties respectfully request that the Court dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
05-O-02600	TWO	RPC 4-100(A)

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A.(7), was June 1, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 1, 2007, the rough estimate of disciplinary costs to be assessed in this matter is \$2,300.

DISCUSSION RE STIPULATED DISCIPLINE

Standard 1.3 of the *Standards For Attorney Sanctions For Professional Misconduct* provides that the primary purpose of discipline is the protection of the public, the courts and legal profession; maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 2.2(b) provides that culpability of a member of commingling entrusted funds or property with personal property or the commission of another violation of rule 4-100 not involving the misappropriation of client property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

In the case of *In re Ronald Robert Silverton*, (2005) 36 Cal.4th 81, the Supreme Court discussed the fact that the *Standards For Attorney Sanctions For Professional Misconduct* are entitled to great weight and the State Bar Court should follow their guidance whenever possible. (*Silverton* 36 Cal.4th at 92)

However, the Court in *Silverton* also indicated that the State Bar Court may deviate from the *Standards* where there exists grave doubt as to the propriety of applying them in a particular case. (*Silverton* 36 Cal.4th at 92) For example, deviation from the *Standards* may be appropriate where extraordinary circumstances exist or where the imposition of discipline called for by the *Standards* would be manifestly unjust.

The parties submit that it would be manifestly unjust to apply *Standard* 2.2(b) in this matter without deviation for the following reasons.

First, Respondent did not mishandle any client property during his misconduct. While Respondent's conduct was clearly improper, it does not reflect a failure to appreciate and protect client property. As such, Respondent's conduct does not present a significant concern that he poses a future threat to the public or his clients.

Second, it is important to recognize that the evidence in this matter indicates that Respondent was entitled to the funds he used to cover the 16 electronic checks. Had Respondent first removed those funds from his client trust account to a personal account before paying his expenses, there would have been no violation of the *Rules of Professional Conduct*.

Third, although Respondent's misconduct occurred over a six month period of time, that six months may be considered somewhat isolated in consideration of his 31 years as a member of the State Bar of California.

The parties further submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of a stayed suspension with those probationary conditions articulated herein, including that Respondent attend the State Bar's Client Trust Account School and that his client trust account and management of client funds be reviewed by a certified public accountant.

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In the Matter of
David Arredondo
Bar No.: 68636

Case number(s):
05-O-02600-DFM

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

6-05-07

Date

6/9/07

Date

6/11/07

Date



Respondent's Signature

David Arredondo

Print Name



Respondent's Counsel Signature

Arthur L. Margolis

Print Name



Deputy Trial Counsel's Signature

Kevin B. Taylor

Print Name

(Do not write above this line.)

In the Matter Of
David Arredondo
Bar No.: 68635

Case Number(s):
05-O-02600-DFM

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

See the following modification of this stipulation:

Page 1 A. (3) – “13” pages, should be “12” pages,
Page 9 “Additional Facts on Mitigation,” “July 25, 1976” should be “June 25, 1976”.
Page 11 (attachment Page 4), line 3 “Account” should be “Accounting”

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

July 2, 2007
Date

Wm. A. F. [Signature]
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 3, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL
SUSPENSION**

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

KEVIN B. TAYLOR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 3, 2007.



Tammy R. Cleaver
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST June 21, 2017

State Bar Court, State Bar of California,
Los Angeles

By
Clerk

Elizabeth Alling

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 19, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID ARREDONDO
3232 TYLER AVE
EL MONTE, CA 91731

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

STACIA L. JOHNS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 19, 2018.



Paul Songco
Court Specialist
State Bar Court